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Letter dated 6 March 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

In my capacity as the Representative of the current Chairman of the African Union, I have the honour to refer to the decision (PSC/PR/Comm(CLXXV)) (see annex) on the ruling of Pre-Trial Chamber I of the International Criminal Court to issue an arrest warrant against the President of the Republic of the Sudan, Omar Hassan Al Bashir, which was adopted by the Peace and Security Council of the African Union at its 175th meeting, on 5 March 2009, in Addis Ababa.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Ibrahim O. **Dabbashi**
Ambassador
Chargé d'affaires a.i.
Representative of the current Chairman of the African Union

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Annex to the letter dated 6 March 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

[Original: English/French]

Communiqué of the 175th meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 175th meeting held on 5 March 2009, adopted the following decision on the ruling of Pre-Trial Chamber I of the International Criminal Court (ICC) to issue an arrest warrant against the President of the Republic of the Sudan, Mr. Omar Hassan Al Bashir:

Council,

1. *Recalls* communiqué PSC/MIN/Comm(CXLII) Rev.1 adopted at its 142nd meeting held on 21 July 2008, as well as decision Assembly/AU/Dec.221 (XII) adopted by the Assembly of the Union at its 12th Ordinary Session held in Addis Ababa from 1 to 3 February 2009;

2. *Expresses deep concern* over the decision taken by Pre-Trial Chamber I of the ICC on 4 March 2009, to issue an arrest warrant against the President of the Republic of the Sudan, Mr. Omar Hassan Al Bashir, for war crimes and crimes against humanity, and the far-reaching consequences of this decision. Council *notes with regret* that this decision comes at a critical juncture in the process to promote lasting peace, reconciliation and democratic governance in the Sudan, and *underlines* that the search for justice should be pursued in a way that does not impede or jeopardize the promotion of peace;

3. *Urges* the Sudanese authorities to continue to exercise utmost restraint, uphold all the international obligations of the Sudan and display continued commitment to the search for peace and stability in Darfur and in the Sudan as a whole. Council *appeals* to all Sudanese parties to renew their commitment to refrain from any action likely to further complicate the situation and extend full cooperation to the efforts aimed at promoting lasting peace and reconciliation in the Sudan;

4. *Reaffirms* the AU's conviction that the process initiative by the ICC and the decision of the Pre-Trial Chamber have the potential to seriously undermine the ongoing efforts to address the many pressing peace and security challenges facing the Sudan and may lead to further suffering for the people of the Sudan and greater destabilization of the country and the region;

5. *Deeply regrets* that, despite the risks posed by the ongoing ICC process to the search for lasting peace and stability in the Sudan and in the region, the United Nations Security Council has failed to consider with the required attention the request made by the AU to implement the provisions of article 16 of the ICC Statute;

6. *Appeals once again* to the United Nations Security Council to assume its responsibilities by deferring the process initiated by the ICC, and *reiterates* the AU's determination to continue to do whatever is in its power to mobilize the necessary support;

7. *Requests* the Chairperson of the Commission, in line with the above-mentioned decision of the Assembly of the Union, to urgently take all the steps required to dispatch a high-level delegation to New York to directly engage the Security Council. Council *welcomes* the steps being taken by the Commission to convene, as soon as possible, the proposed meeting of the African State parties to the Rome Statute, as envisaged in decision Assembly/AU/Dec.221 (XII), to exchange views on the work of the ICC in relation to Africa, in particular in the light of the processes initiated against African personalities, and to submit recommendations thereon, taking into account all relevant elements;

8. *Takes note* of the decision adopted by the Council of the League of Arab States meeting at the ministerial level in Cairo, on 4 March 2008, and *requests* the Chairperson of the Commission to continue to work closely with the League of Arab States and other AU partners in order to mobilize maximum support for the AU's position;

9. *Reiterates* AU's unflinching commitment to combating impunity, in line with the relevant provisions of the Constitutive Act, and its strong condemnation of the gross violations of human rights in Darfur. In this respect, Council *welcomes* the steps being taken by the Commission towards the launching of the High-Level Panel established by decision PSC/MIN/Comm(CXLII) Rev.1, to examine the situation in depth and submit recommendations on how best the issues of accountability and combating impunity, on the one hand, and reconciliation and healing, on the other, could be effectively and comprehensively addressed. Council *further welcomes* the acceptance by former President Thabo Mbeki of South Africa to chair this Panel;

10. *Reiterates* the call by various AU organs for the Government of the Sudan to take immediate and concrete steps to investigate and bring to justice the perpetrators of human rights abuses;

11. *Decides* to remain seized of the matter.